

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUSTIN JOSEPH DENNY,

Defendant.

CR-11-57-GF-BMM-03

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter January 25, 2017. (Doc. 285.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 17, 2017. (Doc. 285 at 3.) Denny admitted that he violated the conditions of his supervised release.

The violations prove serious and warrant revocation of Denny's supervised release. Judge Johnston has recommended that the Court revoke Denny's supervised release and commit Denny to the custody of the Bureau of Prisons for five months. *Id.* at 4. Judge Johnston further has recommended that 25 months of supervised release follow his custody period. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Denny's violations of his conditions represent a serious breach of the Court's trust. A sentence of five months custody followed by 25 months supervised release represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 285) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Austin Joseph Denny be sentenced to five months custody followed by 25 months of supervised release.

DATED this 9th day of February, 2017.



Brian Morris
United States District Court Judge